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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CHRISTINE FLETCHER,

12 Plaintiff,

13 v.

14 MERCK & CO., INC. a corporation doing
business in Washington,

15 Defendant.

Case No. C08-5270FDB

ORDER TO SHOW CAUSE

16 Plaintiff's wrongful termination cause/pregnancy discrimination of action under state law was
17 filed in Pierce County Superior Court on March 12, 2008. Service of Summons and Complaint was
18 made upon Defendant on April 9, 2008. This case was appropriately and timely removed to this
19 court on April 30, 2008, within 30 days of service. The Clerk of the Court has set action dates for
20 discovery, initial disclosures, and joint status report. All those dates have passed, including the date
21 for the Joint Status Report of August 29, 2008. Plaintiff has not communicated with the Court
22 concerning any problem with meeting these dates.

23 Defendant Merck now moves for relief from deadline and to schedule a telephonic status
24 conference. Merck sets out its efforts at communication with Plaintiff's counsel, and began by
25 pointing out by letter dated May 15, 2008 that Plaintiff's signed termination papers indicate a


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1 termination date of March 11, 2005 and that this cause of action was filed one day beyond the three-
2 year statute of limitations on March 12, 2008. No response was received, and Merck attempted to
3 communicate again in a June 29, 2008 email. Plaintiff's counsel finally contacted Merck's counsel by
4 email on July 7, 2008 indicating that his client was attempting to retrieve some documents from
5 storage for review and requested until July 14, 2008 for a response, which Merck's counsel granted.
6 No response was received, despite reminders, until July 25, 2008 wherein Plaintiff's counsel
7 indicated he was working with his client to get authorization to dismiss the case. By August 13,
8 2008, Plaintiff's counsel indicated in another email that he was having a hard time getting his client
9 to discuss the dismissal. Defendant then filed this motion on September 5, 2008.

10 Under these circumstances, with the parties having missed the action dates ordered by the
11 Court, Plaintiff will be directed to show cause why this cause of action should not be dismissed. The
12 Court's action dates for discovery, initial disclosures, and for filing a joint status report are not mere
13 suggestions, but orders, and the plaintiff bears the obligation of prosecuting her case accordingly.

14 NOW, THEREFORE, IT IS ORDERED: Plaintiff shall show cause by no later than
15 September 26, 2008 why this cause of action should not be dismissed. Defendant may file a reply by
16 September 30, 2008, if necessary, and this matter will be noted on the Court's calendar for October
17 1, 2008.

18 DATED this 19th day of September 2008.

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21 FRANKLIN D. BURGESS
22 UNITED STATES DISTRICT JUDGE
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